IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 5045 of 2005
In
First Appeal No. 2113 of 2005
In
L.A.R. No. 34 of 2002

The State of Maharashtra .. Applicant
V/s.
Shri Bhagwan Chichya Mhatre and Ors. .. Respondents

Mr. K.K. Tated, AGP. for the Applicant
Mr. S.G. Surana for the Respondents

CORAM : DR. S. RADHAKRISHNAN &
SMT. V.K. TAHILRAMANI, JJ.
DATED : 01.12.2005.

P.C.:-

1. Rule. Rule made returnable forthwith. Heard the learned AGP. for the Applicant and the learned counsel for the Respondents. The Appeal has already been admitted. Under the aforesaid facts and circumstances, Rule is made absolute in terms of prayer clause (b) and (c), subject to the condition that the Applicant shall deposit the entire decretal amount in the Trial Court, within a period of 16 weeks from today. The Respondents are at liberty to withdraw 25% of the aforesaid deposit in the Trial Court, without furnishing any security. Out of the balance 75% of the amount, the Respondents are allowed to withdraw 50% by furnishing security to the satisfaction of the Trial Court or by a Bank Guarantee and balance 25% shall be invested in a Nationalised Bank in a fixed deposit

initially for a period of three years and thereafter to be renewed from time to time. Civil Application stands disposed of accordingly.

(DR. S. RADHAKRISHNAN, J.)

(SMT. V.K. TAHILRAMANI, J.)